UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

MATTHEW MCDERMOTT,

Plaintiff,

-against-

BIERMAN APPAREL CORP.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:___
DATE FILED: 4/21/2021

1:19-cv-02012-MKV

<u>ORDER</u>

MARY KAY VYSKOCIL, United States District Judge:

The Court held a conference on Plaintiff's motion for a default judgment [ECF No. 28] on April 21, 2021. Before the conference, Defendant had not appeared in this case or taken any action to defend against Plaintiff's claims. As a result, a certificate of default was entered against Defendant. *See* ECF No. 19. However, at the conference, the owner of the Defendant corporation appeared and stated that he intended to contest the claims in this case. Plaintiff consented to an adjournment of the hearing to allow Defendant to retain counsel and file a response to the Amended Complaint [ECF No. 10] and the motion for a default judgment.

Accordingly, the Court continues the default judgment hearing to June 2, 2021 at 11:00AM. The conference will be held by telephone. To join the conference, dial 888-278-0296 and enter access code 5195844.

As discussed at the conference, within one week of the date of this order, Plaintiff must submit a letter discussing the propriety of service in this case and the effect, if any, of Defendant's appearance on the previously-entered certificate of default. Defendant must file a response to the letter and a response to the motion for a default judgment on or before May 25, 2021.

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The deadlines set out herein will not be extended absent good cause. Failure to comply with the deadlines may result in sanctions, including dismissal of a claim or defense.

Plaintiff is directed to correspond with Defendant (including by telephone as required) to ensure Defendant has received this Order.

SO ORDERED.

Date: April 21, 2021

New York, NY

MARY/KAY VYSKOCJL